

Application Serial No. 10/771,887  
Amendment dated December 2, 2009  
Reply to final Office Action dated June 2, 2009

**REMARKS/ARGUMENTS**

Claims 1-3, 6, 7, 10-16, 18, 19, 21, 22, and 24-28 are pending in the application.. Claims 4, 8, 9, 17, 20, 23, and 29-42 have been previously canceled.

**Claim Rejections - 35 U.S.C. §103**

Independent Claims 1 and 15 as well as dependent Claims 2, 3, 6, 7, 10-12, 16, 18, 19, 21, 22, and 24-26 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,660,039 (hereinafter "Evans '039") in view of U.S. Patent Publication No. 2004/0186584 (hereinafter "Keller '584"). In rejecting these claims, the Examiner indicates that Evans '039 discloses, among other things, a removable pin 49 (see, e.g., Fig. 19) that, when inserted in an opening of the base plate and the insert, prevents rotation. The Examiner then indicates that Evans '039 does not teach the pin being located in an outer perimeter side surface but that Keller '584 teaches a new prosthesis with a pin located on the outer perimeter and then concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Evans '039 by moving the pin and its opening to the outer perimeter side surface.

Applicants have amended independent Claims 1 and 15. Specifically, independent Claim 1 now calls for a connector rotatably connecting an insert to a tibia base plate as well as a removable pin operable to prevent relative rotation between the insert and the base plate. Similarly, independent Claim 15, as amended, calls for a means for rotatably connecting an insert to a tibia base plate as well as removable means for preventing relative rotation between the insert and the base plate.

Without admitting that Keller '584 is an appropriate prior art reference or that its combination with Evans '039 is appropriate, Applicants respectfully submit that the combination of Evans '039 and Keller '584 does not make obvious a device including an insert, a tibia base plate, a connector rotatably connecting the insert to the tibia base plate *and* at least one removable pin operable to prevent relative rotation between the insert and the base plate as called for in independent Claim 1. Similarly, Applicants respectfully submit that the combination of

Application Serial No. 10/771,887  
Amendment dated December 2, 2009  
Reply to final Office Action dated June 2, 2009

Evans '039 and Keller '584 does not render obvious a device including a tibia base plate, an insert, a means for rotatably connecting the insert to the tibia base plate *and* removable means for preventing relative rotation between the insert and the first base plate. Specifically, the combination suggested by the Examiner does not include *both* a connector and a removable pin as called for in independent Claim 1, nor does the combination include a means for rotatably connecting *and* a removable means for preventing relative rotation as called for in independent Claim 15. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejection of independent Claims 1 and 15 and Claims 2, 3, 6, 7, 10-12, 16, 18, 19, 21, 22, and 24-26 depending therefrom. Dependent Claims 13, 14, 27 and 28 stand rejected over the combination of Evans '039 and Keller '584 and further in view of additional secondary references. Applicants respectfully submit that these dependent claims are patentable with independent Claims 1 and 15 from which they depend for at least the reasons discussed above with respect to independent Claims 1 and 15.

It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully requests allowance thereof.

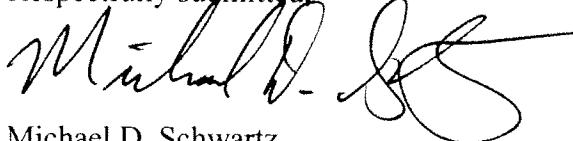
In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

THIS SPACE IS INTENTIONALLY LEFT BLANK

Application Serial No. 10/771,887  
Amendment dated December 2, 2009  
Reply to final Office Action dated June 2, 2009

Should the Examiner have any further questions regarding any of the foregoing, she is respectfully invited to telephone the undersigned at 260-424-8000.

Respectfully submitted,



Michael D. Schwartz  
Registration No. 44,326

Attorney for Applicants

MS/pas

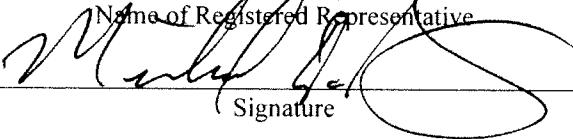
BAKER & DANIELS LLP  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700

CERTIFICATION OF ELECTRONIC FILING

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on the date indicated below:

\_\_\_\_\_  
Michael D. Schwartz, Reg. No. 44,326

\_\_\_\_\_  
Name of Registered Representative

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
December 2, 2009

\_\_\_\_\_  
Date